

REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 1, 5, 9, 13, 32, 33, 36-38, 40, 41 and 43-45 have been amended; claims 6, 14, 17-31, 34, 35, 39 and 42 have been canceled; and claims 46 and 47 have been added. Therefore, claims 1-5, 7-13, 15, 16, 32, 33, 36-38, 40, 41 and 43-47 are in this application and are presented for the Examiner's consideration in view of the following comments.

Claims 1-45 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,872,588 issued February 16, 1999 to Aras et al. ("Aras"). Applicants have canceled claims 6, 14, 17-31, 34, 35, 39 and 42; and respectfully disagree with respect to the remaining claims.

Turning first to Applicants' independent claim 1, this claim has been amended to include the requirement of canceled dependent claim 6. As such, independent claim 1 requires that the selection information include "additional information showing whether broadcast programs are recorded or not". Applicants respectfully submit that this requirement is not described in, nor suggested by, Aras.

Applicants note that the Examiner points to col. 14, lns. 8-24 of Aras. However, this portion of Aras states:

Event handling in the home station may result in the writing/reading/update/deletion of information in the behavior collection table (BCT) and/or the transmission of information from the home station to other nodes in the ITV system. Event handling may also result in the modification or blocking of AVM presentations. Events may be initiated in response to receipt of AVI information or may be initiated by a subscriber(i.e., power on, channel change, jump, channel up & channel down, swap, pause, FF, REWIND, OFF, MUTE, RECORD, Picture-In-Picture, etc or any combination of the above). In addition to generating events in certain circumstances the home station responds to events, such as timer events (i.e., no AVI timer and/or

surfing filter timer). This response may be to change a state variable, or to record information in the BCT or transmit information or modify the presentation of AVMs in some fashion or any combination of the above.

Aras, col. 14, lns. 8-24, emphasis added.

As can be observed from the above, there is no description in this part of Aras as to how the behavior collection table (BCT) is modified during event handling. Indeed, with respect to recording, this portion of Aras only indicates that recording may be responsive to receipt of AVI information - not that the BCT is modified to indicate recording. As such, Applicants respectfully submit that there is no description or suggestion in Aras of Applicants' claimed "additional information showing whether broadcast programs are recorded or not".

Similar comments exist with respect to Applicants' independent claim 9, which has been amended to include the requirements of canceled dependent claim 14.

Turning now to Applicants' claims 32 and 40, these claims have been rewritten in independent form and include the requirement that the transmission timing be "assigned at random in accordance with an intrinsic random number." Again, Applicants respectfully submit that this requirement is neither described in, nor suggested by, Aras.

With respect to Aras, the Examiner states that the BCT table can be transmitted when the home station is powered up, power[ed] off, when the BCT table exceeds a certain size in memory and also back on the fly.

However, none of this has anything to do with Applicants' claimed requirement that the transmission timing be "assigned at random in accordance with an intrinsic random

number." Indeed, Aras does not even describe the use of a random number - much less the use of an intrinsic random number to provide for random transmission.

With respect to Applicants' claims 33 and 41, these claims have been rewritten in independent form and include the requirement that the transmission timing be decided "based on a telephone number assigned to said telephone line." Again, Applicants respectfully submit that this requirement is neither described in, nor suggested by, Aras.

With respect to Aras, the Examiner points to FIG. 14 and co. 17, lns. 28-56. However, none of this has anything to do with deciding when to transmit as a function of a telephone number. True, FIG. 14 of Aras shows the transmission of a "subscriber number" - but even if this was a telephone number - this has nothing to do with deciding transmission timing "based on a telephone number assigned to said telephone line" as claimed by Applicants. Indeed, as described in Aras transmission is either performed on the fly, upon power up, when the BCT table exceeds a certain size, or on the fly. Aras, col. 17, lns. 15-22. There is simply no description, or suggestion, of Applicants' claimed requirement that transmission timing be based on a telephone number.

As a result of the above, Applicants respectfully submit that independent claims 1, 9, 32, 33, 40 and 41, along with the remaining claims depending therefrom, are not anticipated by Aras.

New independent claims 46 and 47 include limitations similar to those discussed above. For that reason, Applicants submit that claims 46 and 47 also patentably distinguish over the prior art such as to warrant their immediate allowance.

Applicants have amended claims 5, 13, 36-38 and 43-45 to comport to the changes to claims 1, 9, 32 and 40, respectively.


With respect to the other cited prior art references, it should be noted that the filing dates of both U.S. Patent No. 6,202,210 issued March 13, 2001 to Ludtke and U.S. Patent No. 5,974,299 issued October 26, 1999 to Massetti are after Applicants' claimed priority date of January 31, 1998. Applicants have briefly reviewed the remaining prior art references made of record in the Official Action, but not relied upon, and believe them to be no more pertinent to the present invention than discussed in the present Official Action.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

Dated: September 26, 2002

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MARKED-UP COPY OF AMENDED CLAIMS:

1. (Amended) A broadcast-program selection history information acquisition apparatus for acquiring selection history information of ~~a~~broadcast programs selected out of broadcast programs of a plurality of channels, comprising:

storage means for storing selection information of said selected broadcast programs at ~~a~~predetermined acquisition times~~ing~~; and

transmission means for transmitting said selection history information which is composed of a plurality of pieces of said selection information stored ~~every~~at a plurality of said acquisition ~~timesings~~times, to a notification destination at a predetermined transmission timing;

wherein said selection information includes additional information showing whether said selected broadcast programs are recorded or not.

5. (Amended) The broadcast-program selection history information acquisition apparatus according to claim 1, wherein

~~said selection information includes~~ additional information includes information showing types and audience modes of said selected broadcast programs.

9. (Amended) A broadcast-program selection history information acquisition method of acquiring selection history information of ~~a~~broadcast programs selected out of broadcast programs of a plurality of channels, comprising the steps of:

storing selection information of said selected broadcast programs at ~~a~~predetermined acquisition times~~ing~~times; and

transmitting said selection history information which is composed of a plurality of pieces of said selection information

stored ~~every~~ at a plurality of said acquisition times~~ings~~, to a notification destination at a predetermined transmission timing;

wherein said selection information includes additional information showing whether said selected broadcast programs are recorded or not.

13. (Amended) The broadcast-program selection history information acquisition method according to claim 9, wherein

~~said selection information includes~~ additional information includes information showing types and audience modes of said selected broadcast programs.

32. (Amended) A broadcast-program selection history information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, comprising:

storage means for storing selection information of said selected broadcast programs at predetermined acquisition times;
and

transmission means for transmitting said selection history information which is composed of a plurality of pieces of said selection information stored at a plurality of said acquisition times, to a notification destination at a ~~The broadcast-program selection history information acquisition apparatus according to claim 31, wherein~~

~~said~~ transmission timing ~~is~~ assigned at random in accordance with an intrinsic random number.

33. (Amended) A broadcast-program selection history information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, comprising:

storage means for storing selection information of said selected broadcast programs at predetermined acquisition times; and

transmission means for transmitting said selection history information which is composed of a plurality of pieces of said selection information stored at a plurality of said acquisition times, to a notification destination at an intrinsically-assigned predetermined transmission timing~~The broadcast-program selection history information acquisition apparatus according to claim 31, wherein~~

said transmission means transmits said selection history information through a predetermined telephone line, and decides said predetermined transmission timing based on a telephone number assigned to said telephone line.

36. (Amended) The broadcast-program selection history information acquisition apparatus according to claim ~~31~~32, wherein

said selection information is composed of channel number information of said selected broadcast programs and time information showing the time when said broadcast programs ~~is~~are selected.

37. (Amended) The broadcast-program selection history information acquisition apparatus according to claim ~~31~~32, wherein

said selection history information includes an identification number intrinsically assigned to said broadcast-program selection history information acquisition apparatus.

38. (Amended) The broadcast-program selection history information acquisition apparatus according to claim ~~31~~32, wherein

when transmitting said selection history information to said notification destination through a predetermined line at said transmission timing, said broadcast-program selection history information acquisition apparatus changes the setting of ~~acquiring—said~~ predetermined acquisition times ~~selection information—and/or~~ the setting of said transmission timing based on a change command transmitted from said notification destination through said line.

40. (Amended) A broadcast-program selection history information acquisition method of acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, comprising the steps of:

storing selection information of said selected broadcast programs at predetermined acquisition times; and

transmitting said selection history information which is composed of a plurality of pieces of said selection information stored at a plurality of said acquisition times at a ~~The broadcast-program selection history information acquisition method according to claim 39, wherein~~

~~said—transmission timing is—assigned at random in accordance with an intrinsic random number.~~

41. (Amended) A broadcast-program selection history information acquisition method of acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, comprising the steps of:

storing selection information of said selected broadcast programs at predetermined acquisition times; and

transmitting said selection history information which is composed of a plurality of pieces of said selection information stored at a plurality of said acquisition times at an intrinsically-assigned predetermined transmission timing~~The~~

~~broadcast-program selection history information acquisition method according to claim 39~~, wherein

said broadcast-program selection history information acquisition method transmits said selection history information through a predetermined telephone line, and decides said predetermined transmission timing based on a telephone number assigned to said telephone line.

43. (Amended) The broadcast-program selection history information acquisition method according to claim ~~39~~40, wherein

said selection information is composed of channel number information of said selected broadcast programs and time information showing the times when said broadcast programs ~~is~~ are selected.

44. (Amended) The broadcast-program selection history information acquisition method according to claim ~~39~~40, wherein

said selection history information includes an identification number intrinsically assigned to said broadcast-program selection history information acquisition apparatus.

45. (Amended) The broadcast-program selection history information acquisition method according to claim ~~39~~40, wherein

when transmitting said selection history information to said notification destination through a predetermined line at said transmission timing, said broadcast-program selection history information acquisition method changes the setting of ~~acquiring said selection information predetermined acquisition times~~ times and/or the setting of said transmission timing based on a change command transmitted from said notification destination through said line.